

REMARKS

Reconsideration of this application as amended is respectfully requested.

Claims 89, 95-99, 105-108, 138, 140, 151, 153 and 154 have been amended. Support for the amendments is found in the specification, the drawings, and in the claims as originally filed.

Applicant submits that the amendments do not add new matter.

Rejections Under 35 U.S.C. § 112

Claims 89, 92-93, 95-99, 102-103, 105-108, 138-140, 144-151 and 153-158 were rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. In particular, the Examiner asserts that the term “behind market bid” renders claim 89 “indefinite since the term is indefinite because the specification does not clearly redefine the term” (Office Action mailed on June 13, 2005, page 2). Applicant does not agree with the Examiner’s assertion. However, Applicant has removed the term “behind market bid” from the claim language to accelerate the prosecution of the present patent application. Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. § 112, second paragraph.

Rejections Under 35 U.S.C. § 103

Claims 89, 92-93, 95-97, 99, 102-103, 105-107, 138-140, 144-151, 153 and 155-158 are rejected under 35 U.S.C. §103(a) as being unpatentable over Newsbyte (“Excite Calls Online Auctions” hereinafter “Newsbyte”), and further in view of Officially taken notice.

Newsbyte refers to online auctions. In particular, Newsbyte states as follows:

If any bidding occurs in the final ten minutes, the auction is extended in ten-minute increments – the equivalent of the ‘going once, going twice’ period found in real auctions.

(Newsbyte, page 1)

Hence, in Newsbyte, every new bid occurred in the final ten minutes triggers an extension of the auction by 10 minutes. In the presently claimed invention, in contrast, not every new bid would trigger an extension of the auction. Instead, in the presently claimed invention, the auction is extended only if a correlation between at least one new bid and at least one other bid previously received for the lot satisfies a trigger criterion. Newsbyte does not teach or suggest the above features of the presently claimed invention that are included in the following language of claim 89:

...determining that at least one new bid for the first lot is received by a server associated with a sponsor of the auction during the first time interval, the at least one new bid being received close to the first closing time;

determining a correlation between the at least one new bid and at least one other bid previously received for the first lot; and

extending the first closing time using the second time interval if the correlation between the at least at least one new bid and the at least one other bid satisfies a trigger criterion...


Similar language is also included in independent claims 99, 138 and 151. Accordingly, the present invention as claimed in claims 89, 99, 138 and 151, and their corresponding dependent claims, is patentable over Newsbyte. Applicant respectfully requests the withdrawal of the rejections under 35 U.S.C. § 103(a).

It is respectfully submitted that in view of the amendments and arguments set forth herein, the applicable rejections and objections have been overcome. If there are any additional charges, please charge Deposit Account No. 02-2666 for any fee deficiency that may be due.

Respectfully submitted,

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